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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,879	10/01/2003	Vladimir Z. Volloch	A32367-PCT USA	9476
21003	7590	08/16/2005	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			BRADICK, THOMAS DALE	
			ART UNIT	PAPER NUMBER

1651

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/936,879	<b>Applicant(s)</b> VOLLOCH, VLADIMIR Z.	
	<b>Examiner</b> Thomas D. Bradrick	<b>Art Unit</b> 1651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1; 3-6, drawn to a method of identifying compounds that inhibit the proliferation of cells comprising contacting a test compound with a cell that over expresses heat shock protein 72 protein, classified in class 435, subclass 4.
- II. Claims 2-6, drawn to a method of identifying compounds that inhibit the proliferation of cells comprising contacting a test compound with a cell that expresses a C-terminal protein binding domain of heat shock 72 protein, classified in class 435, subclass 4.
- III. Claim 7, drawn to a method for identifying compounds that inhibit heat shock 72 protein-mediated JNK phosphatase activation, classified in class 435, subclass 4.
- IV. Claims 8 and 9, drawn to a method for identifying compounds that inhibit cell proliferation comprising contacting a heat shock 72 protein and a test compound, classified in class 435, subclass 4.
- V. Claim 10, drawn to a method for identifying compounds that inhibit cell proliferation comprising contacting a test compound with a cell that expresses heat shock 72 protein, classified in class 435, subclass 4.

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- VI. Claims 11-13, drawn to a method for inhibiting the proliferation of cells comprising administering an inhibitor of heat shock 72 protein activity, classified in class 514, subclass various depending on the inhibitor.
- VII. Claim 14, drawn to a method for inhibiting the proliferation of cells comprising administering an inhibitor of JNK phosphatase activity, classified in class 514, subclass various depending on the inhibitor.
- VIII. Claim 15-17, drawn to a composition comprising an inhibitor of heat shock 72 protein and a pharmaceutically acceptable carrier, class various, subclass various depending on the inhibitor.
- IX. Claim 18, drawn to a composition comprising an inhibitor of JNK phosphatase activity and a pharmaceutically acceptable carrier, class various, subclass various depending on the inhibitor.
- X. Claim 19, drawn to a method for treating a proliferative disorder comprising modulating the activity of a heat shock 72 protein, class various, subclass various depending on how the protein is modulated.
- XI. Claim 20, drawn to a method for treating a proliferative disorder comprising modulating the activity of JNK phosphatase, class various, subclass various depending on how the protein is modulated.

The inventions are distinct, each from the other because of the following reasons:

The processes are distinct, each from the other because they recite different and distinct steps that lead to different and distinct endpoints.

The several inventions listed above are independent and distinct from one another as they have acquired a separate status in the art and require independent searches, **particularly with regard to the literature searches**. Clearly, a reference which would anticipate one of the above groups would not necessarily anticipate or even make obvious any of the others.

An undue burden would ensue from the examination of multiple methods which have distinct steps and end points. Burden lies not only in the search of US Patents, but in the search for literature and foreign patents and examination of the claim language and specification for compliance with the statutes concerning new matter, distinctness and scope of enablement.

Because these inventions are distinct for the reasons given above restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

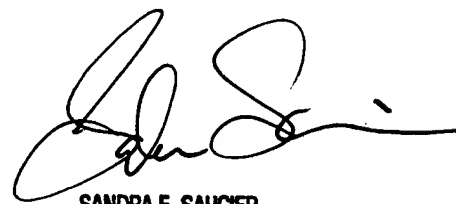
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Bradrick whose telephone number is (571) 272-8139. The examiner can normally be reached Monday through Friday between 8:30 a.m. and 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, M. Wityshyn can be reached on (571) 272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Bradrick  
Patent Examiner  
Art Unit 1651



SANDRA E. SAUCIER  
PRIMARY EXAMINER